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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,876	11/24/2003	William R. Bradford II		5115

7590 09/02/2005

John F. Bryan
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Eaglewood, FL 34224

EXAMINER

FETSUGA, ROBERT M

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/720,876

Applicant(s)

BRADFORD ET AL.

Examiner

Robert M. Fetsuga

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6, 10 and 12-15 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9, 11 and 16-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/24/03
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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1. The previously imposed restriction requirement is hereby rescinded as applicant's have amended the subcombination claims to positively recite the toilet seat as part of the claimed combination.

2. The disclosure is objected to because of the following informalities: Page 3, line 24, "3-3" apparently should be --4-4--; page 4, line 15, "(not shown)" apparently should be --(Fig. 4)--, line 26, "42" apparently should be --42L--, "44" (first occurrence) apparently should be --44L--, "44" (second occurrence) apparently should be --44L,44R--, and line 28, "42" apparently should be --42L,42R--; page 5, lines 1, 8, 13 and 18, "42" apparently should be --42L,42R--, line 2, "28" apparently should be --28L,28R--, and line 3, "44" apparently should be --48--.

Appropriate correction is required.

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Proper antecedent basis for the subject matter of lines 5-7 and "end walls" set forth in claim 1, and the subject matter set forth in claims 6, 10, 21 and 25, could not be found in the specification. Applicant is reminded claim

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terminology in mechanical cases should appear in the descriptive portion of the specification by reference to the drawing(s).

4. Claims 1-5, 7-9, 11, 16-20, 22-24 and 26 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a light assembly including an o-ring/spring for holding it in a cavity, does not reasonably provide enablement for only a light assembly held in a cavity. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

5. Claims 3 and 18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 3 recites "a recess in the light assembly body end" and "a protrusion on at least one of the horizontally opposed end walls". Claim 18 recites similar subject matter.

Implementation of this subject matter is neither taught by the instant disclosure nor evident to the examiner.

6. Claims 5, 9, 20 and 24 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not

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described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 5 recites "contacting contours". Claims 9, 20 and 24 recite similar subject matter. Implementation of this subject matter is neither taught by the instant disclosure nor evident to the examiner.

7. Claims 16-30 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a gravity actuated lighting apparatus including a light assembly having a switch responsive to angular orientation, does not reasonably provide enablement for only a light assembly. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

8. Claims 1 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is unclear as to whether the "toilet bowl" is intended to be part of the claimed combination since structure of the "illuminating apparatus" is defined as being connected

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thereto (lns. 2-3 and 8-15), but no positive structural antecedent basis therefor has been defined. Claim 16 is similarly indefinite.

9. The claim hierarchy does not appear to be in accordance with MPEP 608.01(m). Claims remaining at allowance may require renumbering.

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1 and 16, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Mills et al. '600.

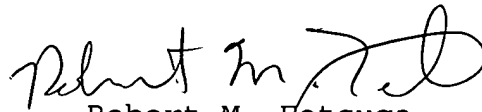
The Mills et al. '600 reference discloses an illuminating apparatus comprising: a light assembly 23 including a switch (col. 1 lns. 44-45); a toilet seat 34 including hinges 32,33; and a toilet bowl 30, as claimed.

12. Applicant is referred to MPEP 714.02 and 608.01(o) in responding to this Office action.

13. Claims 6, 10 and 12-15 are allowable.

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14. Any inquiry concerning this communication should be directed to Robert M. Fetsuga at telephone number 571/272-4886 who can be most easily reached Monday through Thursday.

A handwritten signature in black ink, appearing to read "Robert M. Fetsuga", with a stylized flourish at the end.

Robert M. Fetsuga
Primary Examiner
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